

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE NON-JUDICIAL CIVIL FORFEITURE	:	<u>STIPULATION AND ORDER</u>
PROCEEDING REGARDING \$150,000 IN	:	
UNITED STATES CURRENCY AND \$171,450 IN	:	21 Misc. <u>799</u>
UNITED STATES CURRENCY SEIZED ON OR	:	
ABOUT APRIL 1, 2021	:	
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WHEREAS, on or about April 1, 2021, the Drug Enforcement Administration (the “DEA”) seized \$150,000 in United States currency from Jian Lin in Brooklyn, New York (“Seized Currency-1”), and \$171,450 in United States currency from J.Y.G. Trading Inc., Brooklyn, New York (“Seized Currency-2,” together with Seized Currency-1, the “Seized Property”), based on probable cause to believe the Seized Property was subject to forfeiture as property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of narcotics transactions;

WHEREAS, the DEA thereafter commenced administrative forfeiture proceedings against the Seized Property pursuant to Title 21, United States Code, Section 881, by timely sending written notice of its intent to forfeit the Seized Property to all known interested parties;

WHEREAS, on or about August 3, 2021, the DEA received a claim from Jian Yun Guo, individually and as sole owner of J.Y.G. Trading Inc. (together, the “Claimants”) asserting an interest in the Seized Property (the “Claim”);

WHEREAS, the DEA subsequently referred the matter to the United States Attorney’s Office for judicial forfeiture;

WHEREAS, Title 18, United States Code, Section, 983(a)(3)(A) provides that, “[n]ot later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime

Claims or return the property pending the filing of a complaint, except that a Court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties”;

WHEREAS, the deadline for the Government to file a complaint against the Seized Property is no later than November 1, 2020;

WHEREAS, the Claimants have represented to the Government that the Seized Property does not constitute or is not derived from proceeds obtained directly or indirectly as a result of narcotics transactions;

WHEREAS, the Claimants have provided the Government with documentation relating to the Seized Property;

WHEREAS, no other party has claimed an interest in the Seized Property; and

WHEREAS, the Government and the Claimants have agreed to settle the Claim without further litigation;

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND ORDERED, by and between Damian Williams, United States Attorney for the Southern District of New York, by and through Assistant United States Attorney Sheb Swett, of counsel, and Claimants, by and through their attorney, Giacchino J. Russo, Esq., that:

1. Claimants shall withdraw any and all claims of interest in the Seized Currency-1 and Seized Currency-1 is hereby forfeited and vested in the United States pursuant to 21 United States Code, Section 881(a)(6) and shall be disposed of according to law.

2. The United States Marshal’s Service (“USMS”) shall return Seized Currency-2 to Claimant Jian Yun Guo in a manner consistent with the United States Marshals Service Automated Clearing House (“ACH”) Form to be completed by Claimants through their attorney, Giacchino J. Russo, Esq.

3. The Government's agreement to this Stipulation and Order is expressly premised upon the truthfulness, accuracy and completeness in every material part of the representations made by the Claimants to the best of Claimant's knowledge.

4. Claimants are hereby barred from asserting any claim against the United States Attorney's Office for the Southern District of New York ("USAO-SDNY"), the DEA, or the USMS or agents and employees of the USAO-SDNY, DEA, and USMS in connection with the seizure and/or possession of the Seized Property.

5. The parties hereby waive all rights to challenge or contest the validity of this Stipulation and Order.

6. Further, this Stipulation and Order shall in no way constitute any reflection upon the merits of any petition, claim and/or defenses that may be asserted respectively by the United States and the Claimant.

7. Each party shall bear its own costs and attorney's fees.

8. This Stipulation and Order constitutes the complete agreement of the parties and may not be amended without express written authorization from all parties.

9. This Court shall have exclusive jurisdiction over the interpretation and enforcement of this Stipulation and Order.

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